

REMARKS

Claims 1-9, 11-16 and 23-31 were pending in the subject application as of the September 8, 2005 mailing date of the current office action, in which claims 15, 16, 23 and 24 were allowed and claims 7, 11, 27 and 28 were indicated as allowable but for depending from a rejected base claim. The remaining pending claims (i.e., claims 1-6, 8, 9, 12-14, 25, 26 and 29-31) stand rejected pursuant to one or more of 35 U.S.C. §§102 and 103.

As indicated above, Applicant submitted a November 9, 2005 first response to the September 8, 2005 office action. The Examiner denied entry of the November 9, 2005 response because, as noted in the November 30, 2005 Advisory Action, the response included amendments that purportedly changed the scope of claim 1 by not requiring that the tip holding element be disposed in contact with the tip tool body.

On December 5, 2005, Applicant's undersigned representative conducted a telephone interview with the Examiner. Applicant pointed out to the Examiner that claim 1 was amended in Applicant's November 9, 2005 response to be identical to claim 23, which was listed as allowed in the September 8, 2005 office action. The Examiner indicated that claim 23 had been allowed without full consideration, but that he did not discover this error until receiving Applicant's November 9, 2005 first response in which claim 1 was amended to incorporate the limitations of claim 23. Applicant notes, for the record, that at no time did the Examiner say that claim 23 was not allowable, only that he allowed it without having fully considered its patentability and that to assess its patentability would require further search.

Although Applicant believes it is within its rights to request that the Examiner re-mail the September 8, 2005 office action and restart the response period, Applicant instead opts to file the instant communication as a second response to the September 8, 2005 office action in order to expedite prosecution of the subject application. As noted above, claim 1 has been amended herein to incorporate the allowable subject matter of claims 6 and 7 while maintaining the limitation that the tip holding element is disposed in contact with the tip tool body. For at least this reason, amended claim 1 is allowable, as are its dependent claims 2-5, 9 and 12-14. Claim 23 is cancelled herein due to its similarity to amended claim 1, and claim 24 is canceled herein as well.

The other claim amendments and cancellations made herein are identical to those that were included in Applicant's November 8, 2005 first response to the September 8, 2005 office action and are summarized as follows. Claims 6-8 are cancelled for consistency with amended claim 1. Claim 11 is amended to change its dependency from cancelled claim 7 to amended claim 1, thus placing it in condition for allowance based at least on its dependence from claim 1. Claim 25 is amended to incorporate the limitations of claim 28, which, as noted above, was indicated in the September 8, 2005 office action as being directed to allowable subject matter. For at least this reason claim 25 is allowable, as are its dependent claims 26 and 29-31. Claim 27 is cancelled in view of the amendment to claim 25, as is claim 28. The limitations of claim 27, however, have been combined with those of pending claim 25 and are presented herein as new claim 32, which Applicant submits is allowable based at least on the indication in the current office action that claim 27 is directed to allowable subject matter.

Applicant has amended and canceled these claims solely to expedite prosecution of the subject application. By making these amendments and cancellations, Applicant does not dedicate the subject matter of the amended and/or canceled claims - as filed or as presently pending - to the public, and does not acquiesce to the Examiner's currently or previously identified reason(s) offered in support of the rejections of the amended and/or canceled claims. Applicant also reserves the right to seek patent protection for claims similar or identical to the amended and/or canceled claims - as filed and/or as presently pending - in one or more related applications.

In sum, all pending claims of the subject application are either cancelled without prejudice (i.e., claims 6-8, 23, 24, 27 and 28), allowed (i.e., claims 15 and 16), allowable based at least on the fact that they are amended herein to incorporate allowable subject matter (i.e., claims 1 and 25), allowable based at least on the fact that they depend either directly or ultimately from a claim that has been amended to incorporate allowable subject matter (i.e., claims 2-5, 9, 11-14, 26, 27, 29-31), or allowable as a newly presented claim that incorporates allowable subject matter in independent form (i.e., claim 32).

Thus, the pending rejections are moot and the subject application is believed to be in immediate condition for allowance. Reconsideration and allowance of claims 1-5, 9, 11-14, 25, 26 and 29-31 are respectfully requested, as are initial consideration and allowance of new claim 32. If the undersigned can be of any assistance in advancing the prosecution of this application, the Examiner is invited to contact him by using the information provided below.

Fees

This submission is being timely filed, thus no extension fee is believed to be due in connection with this submission. Moreover, the number of new claims being added herein (one new independent claim) equals or exceeds the number of claims being canceled herein (six total claims being canceled, one of which are independent). Thus, no added claims fees are believed to be due in connection with this submission. However, the Commissioner is hereby authorized to charge any necessary fees associated with this submission, or credit any overpayment, to Deposit Account No. 50-0289.

Respectfully submitted,



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